



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/65/CO/5*
10 December 2004

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fifth session
2 - 22 August 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

MAURITANIA

1. The Committee considered the sixth and seventh periodic reports of Mauritania, due respectively in 2000 and 2002, submitted as one document (CERD/C/421/Add.1), at its 1652nd and 1653rd meetings (CERD/C/SR.1652 and 1653), held on 6 and 9 August 2004, and adopted at its 1667th and 1668th meetings (CERD/C/SR.1667 and 1668), held on 18 August 2004, the following conclusions.

A. Introduction

2. The Committee welcomes the report of Mauritania and the opportunity thus afforded to pursue its dialogue with the State party. It also welcomes the fact that the State party was represented by a high-ranking delegation and notes with interest the replies given by the delegation to the questions put to it.

3. The Committee welcomes the efforts made by the State party to comply with the Committee's guidelines for the preparation of reports, but regrets that the report does not contain sufficient information regarding the practical application of the Convention and does not fully respond to the requests for information made by the Committee in its previous conclusions.

4. Noting that the report was more than three years overdue when submitted, the Committee invites the State party to comply with the deadline set for the submission of its next reports.

* Reissued for technical reasons

B. Positive aspects

5. The Committee welcomes the delegation's announcement that a national plan of action for the promotion and protection of human rights, drawn up in cooperation with the Office of the High Commissioner for Human Rights, was adopted in September 2003.

6. The Committee takes note of the delegation's statement regarding the deposit of instruments of ratification of both the International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

7. The Committee welcomes the formulation in 2001 of a strategic framework for combating poverty.

8. The Committee takes note with satisfaction of the adoption on 17 July 2003 of the Act on the Suppression of Trafficking in Persons and, in June 2004, of article 5 of the Labour Code, on the prohibition of forced and compulsory labour.

C. Concerns and recommendations

9. The Committee notes that the State party's report contains information on the linguistic composition of the population, but that this information does not convey the full complexity of Mauritanian society, particularly with regard to the composition of the Arabic-speaking group. It regrets that the economic and social indicators provided for the Committee were not disaggregated by descent or ethnic origin.

The State party should carry out a more precise population census that is not limited to linguistic factors, and produce more detailed indicators disaggregated by descent or ethnic origin. The Committee recommends that the State party carry out targeted surveys, on the basis of voluntary self-identification, which will make it possible to determine the situation of the groups falling within the definition of article 1 of the Convention, and communicate the findings to the Committee in its next report.

10. The Committee notes that only the Labour Code contains a definition of racial discrimination that is close to the definition given in article 1 of the Convention.

The State party should incorporate in its domestic law a definition of racial discrimination that is applicable in every sphere of social life and that reproduces all the elements in article 1 of the Convention, including discrimination based on descent.

11. The Committee is concerned that some non-governmental human rights organizations have not been officially recognized, despite having applied for such recognition.

The Committee recommends that the State party remove all constraints on the exercise of freedom of association and that it recognize the non-governmental human rights organizations.

12. The Committee, while taking note of orders No. 91-023 and No. 091-024 of 25 July 1991 on freedom of the press and on political parties, respectively, notes with concern that the State party's legislation does not fully meet the requirements of article 4 of the Convention, in that the provisions of the Criminal Code do not expressly address racial or ethnic discrimination.

The Committee recommends that the State party fill this gap in its legislation, including by providing that racially motivated offences be considered an aggravating circumstance in the commission of an offence.

13. The Committee regrets the lack of information on the implementation of Order No. 091-024 of 25 July 1991, which prohibits political parties from identifying with a race, an ethnic group, a region, a tribe, or a brotherhood. It is concerned at reports that the Order has sometimes been improperly applied to certain political parties.

The Committee recommends that the State party guarantee respect for the freedoms of expression and association in its implementation of article 4 (a) and (b) of the Convention. The State party, in its next periodic report, should indicate more precisely how Order No. 091-024 is interpreted and applied.

14. The Committee remains concerned about allegations concerning the very low proportions of black Moors and black Africans in the army, the police, the administration, Government and other State institutions.

The State party should provide detailed information on this matter in its next report. It should in any case ensure that the various sectors of the Mauritanian population are effectively represented in State institutions and that they have equal access to public service.

15. The Committee notes with concern that vestiges of the caste system persist in Mauritania. While welcoming the fact that slavery was abolished by a law dated 9 November 1981, it remains concerned about information on the persistence of slavery-like practices, which constitute serious instances of discrimination based on descent. It is concerned that no implementing orders have been issued subsequent to the 1981 law and that there is no provision in criminal law that expressly punishes slavery.

The Committee draws the State party's attention to its general recommendation XXIX concerning racial discrimination based on descent, and suggests that a detailed study of this issue should be included in the State party's next report. It strongly recommends that the State party launch, in cooperation with non-governmental organizations and religious leaders, a wide-ranging information and public-awareness campaign to put an end to slavery-like practices. The State party should ensure that the perpetrators of such practices, which are already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves.

16. The Committee notes that the information on the adoption of practical measures designed specifically to combat slavery-like practices remains inadequate.

Taking note of the delegation's statement that the anti-poverty programme is helping to eradicate the legacy of slavery, the Committee considers that other actions specifically targeting the populations concerned should be taken. The State party should conduct a study, in cooperation with civil society, to determine the economic and social situation of the descendants of slaves, including how many of them have title to land.

17. The Committee notes with concern that, according to some reports, several thousand black Mauritanian refugees remain in Mali and Senegal. It remains concerned at reports that many of the refugees who have returned to Mauritania have not recovered their property or their jobs.

The Committee recommends that the State party take practical measures to encourage the return of black Mauritanian refugees remaining in Mali and Senegal and their full reintegration into Mauritanian society. A detailed study of the situation of the Mauritanian refugees still in exile and of those who have returned should be provided in the next periodic report.

18. The Committee notes with concern that the Nationality Code does not appear to comply fully with article 5 (d) (iii) of the Convention, in particular since it lays down rules on access to nationality that differ depending on whether the children are born to a Mauritanian father or a Mauritanian mother, or whether they are born to a foreign father or a mother born in Mauritania.

The Committee recommends that the State party guarantee respect for the principle of non-discrimination in children's access to nationality.

19. The Committee is concerned about the prevalence of female genital mutilation among some ethnic groups.

The Committee recommends that the State party take all necessary measures to put a stop to this practice. Information and awareness-raising measures aimed specifically at, and designed for, relevant population groups should be adopted.

20. The Committee notes with concern that no provision is made in the educational curriculum for the inclusion of the national languages Pulaar, Soninke and Wolof.

The Committee recommends that the State party study this question again in consultation with the population groups concerned and that it consider including national languages in the education system for those children who wish to receive an education in those languages. The Committee recalls that, in any event, education in national languages should not lead to the exclusion of the group concerned and should meet the minimum standards with regard to the quality of the courses offered.

21. The Committee notes with concern the State party's policy of ensuring that the curricula in private and public schools are identical. While taking account of the State party's desire to monitor the quality of private education, the Committee nevertheless has doubts whether such

control over private schools is conducive to the teaching of the languages and cultures of minority groups.

The Committee recommends that the State party respect parents' freedom to choose the type of education they wish for their children and to choose for their children private schools that offer programmes meeting their expectations in terms of culture and language.

22. The Committee is concerned about the delegation's statement that the Berber language is no longer spoken in Mauritania. According to some reports, a minority still uses this language, which is in danger of disappearing from the country.

The Committee recommends that the State party, in consultation with the community concerned, take steps to preserve the Berber language. Room should be made for Berber language, history and civilization in school textbooks, education and cultural events.

23. The Committee notes that no case of racial discrimination has been brought before the national courts and is concerned that victims' opportunities to obtain a remedy are inadequate. It recalls that the fact that victims of racial discrimination do not complain to a court is not necessarily a positive indicator, and can be the result of, inter alia, the limited resources available to victims, their lack of awareness of their rights, their lack of confidence in the police and the judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.

The Committee recommends, in particular, that the State party conduct an independent and impartial inquiry when allegations of discrimination and slavery-like practices are brought to its attention. The State party should inform the victims of all remedies available to them, facilitate their access to justice, guarantee their right to just and adequate reparation, and publicize the relevant laws.

24. The Committee welcomes the delegation's statement that a consultative process is under way with regard to the establishment of a national human rights commission.

The Committee encourages the State party to establish such a commission in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).

25. The Committee regrets that it did not receive sufficient information on the training of judges, lawyers and law enforcement officers, in particular, training to combat discrimination, including discrimination based on descent, and to combat the vestiges of slavery.

The Committee recommends that the State party adopt a specific strategy in this respect.

26. The Committee recommends that the State party, in applying the provisions of the Convention, particularly articles 2 to 7, in its domestic legal system take into account the relevant passages of the Durban Declaration and Programme of Action and that it include in its next periodic report information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

27. The Committee strongly recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of the States Parties and endorsed by the General Assembly in its resolution 47/111. In this respect, the Committee refers to General Assembly resolution 57/194, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal was made by the Assembly in its resolution 58/160.

28. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and recommends that it consider doing so.

29. The Committee recommends that the State party should make its periodic reports available to the public and publicize the Committee's conclusions in the same way.

30. The Committee recommends that the State party submit its eighth, ninth and tenth periodic reports, due on 12 January 2008, in a single document and that it address therein all the points raised in the present concluding observations.
